

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
)
 Scott A. MOSKOWITZ et al.) Attention: BOX MISSING PARTS
)
 Application Number: 09/545,589)
)
 Filed: April 7, 2000)
)
 For: METHOD AND SYSTEM FOR DIGITAL)
 WATERMARKING)

DECLARATION BY FLOYD B. CHAPMAN IN SUPPORT
OF A PETITION UNDER 37 C.F.R. § 1.47(a)

This declaration of Floyd B. Chapman is made as to facts relied upon to establish the diligent effort made to secure the execution of a Joint Declaration by one of the joint inventors, namely, Marc Cooperman, for the above-captioned patent application.

1. I am an attorney with the law firm of Baker Botts, LLP, and I am charged with representing Wistaria Trading, Inc., ("Wistaria") in the prosecution of the above captured patent application (the "Application"), in which Scott A. Moskowitz and Marc Cooperman are named inventors.
2. By virtue of a written assignment of rights from Inventor Scott A. Moskowitz, Wistaria has a proprietary interest in the Application.
3. It was determined that in order to best protect the rights of all interested parties, the Application had to be filed on or before April 7, 2000.
4. The Application was filed on April 7, 2000, as a continuation of pending U.S. patent application number 08/674,726, filed July 2, 1996.
5. On December 31, 1999, I learned that Marc Cooperman no longer resides at 2929 Ramona, Palo Alto, California, when Federal Express returned a package that I had sent to Mr. Cooperman a

few days earlier. The package was returned because (at least according to the information I received from Federal Express) Mr. Cooperman had "moved, [leaving] no forwarding address." A copy of the returned envelope is attached hereto as **Exhibit A**.

6. The last known **residence** that I have for Mr. Cooperman is 2929 Ramona, Palo Alto, California.
7. Recently, in an effort to communicate with Mr. Cooperman, I found an address for a "Marc Cooperman" who I believed to be the co-inventor on this application, the address being for a company called "Jumpstart Technologies, Inc." The contact information which I learned through the Internet is as follows:

Jumpstart Technologies, Inc.
251 E. 32nd Street
Suite 6D
New York, NY 10016-6304

Phone: (212) 684-2990
FAX: (413) 793-5859

8. In response to a Notice To File Missing Parts, on July 24, 2000, I contacted Mr. Cooperman (at the address for Jumpstart Technologies) on behalf of my client Wistaria Trading, Inc. I forwarded via Federal Express copies of the Application, the Joint Declaration, an Assignment, and a small entity declaration, identifying the continuing prosecution application to Mr. Cooperman and requesting Mr. Cooperman to execute the documents. A copy of these materials is attached hereto as **Exhibit B**.
9. On July 27, 2000, I received a written response from Mr. Cooperman who confirmed that he is the same person as the co-inventor. A copy of the response from Mr. Cooperman is attached hereto as **Exhibit C**. In his response, Mr. Cooperman stated that he has not resided at 2929 Ramona in Palo Alto for years, and that his "relevant" address was as follows:

Jumpstart Technologies, Inc.
251 E. 32nd Street
Suite 6D
New York, NY 10016-6304


Phone: (212) 684-2990
FAX: (413) 739-5859

I note that the fax number provided on Mr. Cooperman's letterhead (413-739-5859) is not the same as the fax number that I obtained through the Internet (413-793-5859), and I note that the latter number appears to be his correct fax number, as the first number was not a working number when I dialed it.

10. As of this date, I still do not know the current **residence address** for Mr. Cooperman, and thus, 2929 Ramona, Palo Alto, California continues to be the **last known residence** information which I have for Mr. Cooperman.
11. On January 7, 2000, Mr. Cooperman filed a complaint in the United States District Court for the Southern District of Florida, Miami Division, against Scott Moskowitz, The Dice Company, and Blue Spike Company. The complaint alleged that Mr. Cooperman resides in Maplewood, New Jersey, but did not disclose an address.
12. Given the tone of Mr. Cooperman's letter of July 27, 2000, and given the ongoing litigation between Mr. Cooperman and Mr. Moskowitz, I decided it was prudent to request Mr. Cooperman to have his attorney contact me. A copy of my letter to Mr. Cooperman, together with a facsimile confirmation sheet, is attached hereto as **Exhibit D**. I specifically requested Mr. Cooperman to have his attorney contact me before August 7, 2000. As of this date, I have heard nothing further from Mr. Cooperman or his attorney.
13. Mr. Cooperman has not provided me with the name of any attorney who represents him with respect to this matter, nor has Mr. Cooperman stated that he is not represented by counsel.
14. Mr. Cooperman has chosen to not respond by the deadlines which I provided to him.

15. I submit that Mr. Cooperman's refusal to respond in the necessary time frames is tantamount to a refusal to join this application.
16. Inventor Scott A. Moskowitz has executed a copy of the Joint Declaration, which is being filed herewith.
17. Mr. Moskowitz has also assigned his interest in this application to Wistaria Trading, Inc.
18. It is believed that filing this petition under 1.47(a) is necessary to preserve the rights of Wistaria Trading, Inc.
19. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful and false statements may jeopardize the validity of the application or any patent issued thereon.

Date: August 15, 2000



Floyd B. Chapman, Esq.